Resolution Agreement
OCR Case Number 08-22-1413
Chandler Unified School District

The Chandler Unified School District (the District) agrees to implement this Resolution Agreement (the Agreement) to resolve the violation identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation when the District disciplined him more severely than non-Black or non-Latino students who engaged in similar conduct. In addition, the Agreement addresses OCR's concern that the District may not have responded promptly or effectively to reported harassment based on national origin under Title VI or to reports of possible sexual harassment under Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the Department.

I. Centralized Records Keeping of Complaints

A. Within 30 days of executing this Agreement, the District will create a centralized file within the Superintendent's Office, for all non-Title IX complaints of discrimination and harassment based on protected class. The District will maintain a sub file for any discrimination complaints related to discipline.

B. By September 1, 2024, and by June 15 for subsequent years until the monitoring is closed, the District will provide OCR with a copy of all complaints of race, color, and national origin discrimination related to discipline for the prior school year, as well as a copy of the District's findings and resolutions of each such complaint.

C. Within 60 days of receiving a complaint at another school of discrimination in student discipline based on race, color, or national origin, the District will provide to OCR a copy of the complaint and a summary of the District's investigation and findings. If the investigation found discrimination based on race, color, or national origin, the District will submit to OCR for review and approval a draft Corrective Action Plan for that school that will include the root cause analysis described in Item III of the Agreement. Within 30 days of OCR's approval, the District will begin implementation of the Corrective Action Plan. The District will provide OCR with documentation of such implementation within 90 days of OCR's approval. This documentation will include any proposed changes to the District's discipline policies, procedures, and/or practices and the reasons for such changes. Throughout the course of this Agreement, the District will submit for OCR review and approval any proposed changes to the Corrective Action Plan prior to their implementation.

II. School Climate Oversight

To ensure the District has the staffing and expertise needed to implement this Agreement, the District will appoint one or more District Administrators to oversee the climate at Perry High School (the School) to ensure its commitment to nondiscriminatory discipline

practices and responses to race- or sex-based harassment at the School, and to consider the input of a the District's Equity Committee (the Committee) about such practices and responses at the School as set forth below. The District has identified the following administrators to oversee the School climate: the Director of Equity (hereafter "the Director"), the Executive Director of Secondary Education, Assistant Superintendent of PreK-12 Schools and the Associate Superintendent of PreK-12 Educational Services.

A. **The Administrators Overseeing the School's Climate:** The Director, named above will have expertise in nondiscriminatory student discipline, alternatives to exclusionary discipline, implicit bias, and promoting and sustaining a positive school climate and educational achievement for students of all racial and ethnic backgrounds. The administrators, named above, will be responsible for responding to complaints about the School's implementation of its discipline policies and procedures based on race, color, and national origin.

B. **Reporting Requirements**

Within 30 days of this Agreement, the District will provide documentation that the job descriptions for the Director of Equity, the Executive Director of Secondary Education, Assistant Superintendent of Prek-12 Schools and the Associate Superintendent of PreK-12 Educational Services have been revised to include the duties associated with this Agreement. In addition, the District will provide documentation to show that the Director has the qualifications set forth in Item II.A of this Agreement.

III. School-Based Equity Sub-Committee

A. Within **30 days** of executing this Agreement, the District will establish a School-Based Equity Committee (the Sub-Committee), that may be a subcommittee of its District-wide Equity Committee. The Sub-Committee will include stakeholders not limited to teachers, counselors, school administrators, District administrators, special education staff or administrators, students, parents, and members of community organizations. The District will invite the Complainant to participate in the School-Based Equity Sub-Committee.

B. The Sub-Committee will evaluate the District's progress in ensuring nondiscrimination in discipline and its implementation of the Corrective Action Plan required by Section III below by meeting at least twice a year by the end of January and the end of June to review (1) the District's student discipline data broken down by race and national origin for the prior semester, and (2) other data and information relevant to the discipline analysis (e.g., proposed changes to its discipline policies and procedures or any independent discipline analyses). The Sub-Committee will make recommendations to the District regarding (1) its discipline data, policies, practices, and procedures to ensure that they are nondiscriminatory, and (2) its implementation of the Corrective Action Plan. The Director will coordinate the Sub-Committee's work and meetings throughout the duration of this Agreement.

C. The Sub-Committee will provide a report summarizing its findings and recommendations to the District ("the Report") by **October 1, 2024**, and by June 15 for the subsequent years until this monitoring is closed. The District Superintendent, the District's Leadership team, and the Board, where appropriate, will review the Report and determine how to address its findings and recommendations in the Corrective Action Plan. For recommendations that the District does not address in the Plan, the District will provide its reasons in writing to the Sub-Committee.

D. **Reporting Requirements**

Within **45 days** of executing this Agreement, the District will provide OCR with the names and positions of the Sub-Committee members, a calendar for its meeting(s) and any other activities for the coming year, and minutes from its previous meetings. If the membership of the Sub-Committee changes during OCR's monitoring of this Agreement, the District will notify OCR of the name and position of the new members within 15 days.

E. **Within 7 days of the completion of the Sub-Committee reports described in Item III.C.,** the District will provide OCR with a copy of the Sub-Committee Report(s), any amendments to the District's Corrective Action Plan, and any steps the District took in response to the Report(s).

IV. Corrective Action Plan

A. **Identify Root Causes and Develop Corrective Action Plan:** The Director, in consultation with the Sub-Committee, will examine the root causes of race disparities in discipline of its students at the School. This examination will include: reviewing the relevant discipline data for that school, assessing whether specific employees engage in racially disparate discipline and identifying strategies to ensure that these employees do not discriminate on the basis of race, reviewing the school's and the District's discipline policies, and when appropriate given the investigative findings, evaluating employee training practices and engaging employees, students, and community stakeholders to identify corrective actions to address such root causes. Based on its examination of the root causes, the District will develop a Corrective Action Plan describing the actions needed to ensure that the school's discipline policies and practices do not discriminate against students based on race, color, and national origin.

B. **Other Schools:** If the District receives a complaint of discrimination based on race, color, or national origin related to student discipline at one of its other schools, the District will promptly investigate the complaint and will examine if whether discrimination has occurred. This examination will include the steps identified in Section A above. Based on this examination, the District will develop a Corrective Action Plan describing the actions needed to ensure that the school's discipline policies and practices do not discriminate against students based on race, color, and

national origin.

C. Reporting Requirements

By **October 1, 202**4, the District will submit to OCR for review and approval a draft Corrective Action Plan that will include the root cause analysis required. Within 30 days of OCR's approval, the District will begin implementation of the Corrective Action Plan. The District will provide OCR with documentation of such implementation within 90 days of OCR's approval. This documentation will include any proposed changes to the District's discipline policies, procedures, and/or practices and the reasons for such changes. Throughout the course of this Agreement, the District will submit for OCR review and approval any proposed changes to the Corrective Action Plan prior to their implementation.

V. Revised Discipline Policies and Procedures

A. By January 15, 2025, the District will review its student discipline policies and procedures and propose revisions to OCR to promote their nondiscriminatory application. The Director will lead the review and revision and consult with the Sub-Committee described in Section III.A above. At a minimum, the District will ensure that its student discipline policies and procedures include the following:

1. definitions of misconduct that are clearly defined, uniform, and objective and that clearly distinguish between similar acts, (e.g., fighting and physical aggression);
2. elimination of vague, subjective, or redundant offense categories, including categories that allow for a high degree of subjectivity in enforcement (e.g., willful defiance, disruptive behavior, or inappropriate behavior) to the extent permitted by state and federal law;
3. the range of penalties that may be imposed for each infraction, penalties that are proportionate to the type of misconduct, and uniform criteria for staff to use when selecting a particular discipline sanction within the range of possible penalties;
4. a clear statement of mitigating and aggravating factors that are clearly defined, uniform, and objective to the maximum extent possible, which disciplinarians should consider when determining the appropriate penalty to be imposed for an infraction;
5. a clear explanation of how any progressive disciplinary policies, practices, and procedures will be implemented consistently at each school, including criteria or guidelines for discipline sanctions on first offenders and repeat offenders, with requirements to use non-exclusionary sanctions to the extent permitted by state and federal law before progressing to exclusionary sanctions like class suspensions, other in-school suspensions, out-of-school suspensions, and expulsions;
6. a requirement that District staff attempt and document a range of positive corrective measures before referring a student for exclusionary discipline, unless the exclusion is necessary to ensure the continuing safety of students or staff, or

when other means of correction have been attempted and have failed to bring about proper conduct and it is the only means of stopping student misbehavior from substantially interfering with the delivery of instruction to others;

7. a requirement that District staff carefully review discipline penalties for similarly situated students who have engaged in comparable offenses prior to determining an appropriate discipline penalty;
8. a list of minor misbehaviors for which suspension or expulsion will not be used, and a list of minor misbehaviors that warrant interventions other than a referral or exclusionary discipline; and
9. appropriate due process standards for all students disciplined under the District's student discipline policies and procedures, including a description of the key elements of the discipline process (timelines, hearings, appeals, alternative dispositions, etc.).

B. **Reporting Requirements**

By January 15, 2025, the District will submit its proposed revisions to the student discipline policies and procedures to OCR for review and approval. Within **45 days** of OCR's approval, the District will provide documentation to OCR of Board adoption of these policies and procedures and that the District has disseminated the revised documents to all District employees, students, and parents, and posted the documents in a prominent location on the District's website, including in Spanish and in any other major languages spoken by students and parents with limited English proficiency, and in a manner accessible to individuals with disabilities.

Throughout the course of this Agreement, the District will submit for OCR review and approval any proposed changes to the discipline policies and procedures at least **30 days** prior to their intended adoption by the Board and/or implementation by the District.

VI. Discipline Data Analysis and School Team Meetings

A. Starting with the fall semester of the 2024-2025 school year, the Director will evaluate on a semester basis the data from the School and any other school for which the District receives a complaint of discrimination based on race, color, or national origin in the discipline process. The Director will assess if the School or other school is implementing its student discipline policies, practices, and procedures in a nondiscriminatory manner. The evaluation of the data will include an analysis for each school of whether:

1. students of a particular race or national origin are more likely than students of other races or national origins to receive:
   a. disciplinary referrals;
   b. disciplinary sanctions;
   c. after-school detentions;
   d. class suspensions;

e. ISS;
f. OSS;
g. disciplinary transfers;
h. expulsions;
i. referrals to law enforcement;
j. law enforcement citations;
k. arrests stemming from school-related activity; and
l. exclusionary sanctions for subjective offenses (e.g., defiance or disruption).

2. any school refers students of a particular race or national origin more often than students of other races and national origins for discipline;
3. any school refers students of a particular race or national origin for harsher discipline sanctions than students of other races and national origins;
4. certain teachers, administrators, or other staff members refer for discipline students of a particular race or national origin at a higher rate than students of other races or national origins for the same or similar offenses (e.g., first-time offenses);
5. certain teachers, administrators, or other staff members impose harsher discipline sanctions on students of a particular race or national origin than students of other races or national origins for the same or similar offenses; and
6. sanctions imposed for a given infraction are consistent with the District's discipline policies and matrix, and where exceptions are made, whether they are justified by legitimate, non-discriminatory reasons.

B. At the conclusion of each semester, the Director will convene a meeting with the School's principal and discipline team to discuss the data required in this section, assist the school team with understanding, analyzing, and using these data, and assess the school's progress relevant to the Corrective Action Plan. After the meeting at the conclusion of each semester, the School's principal and discipline team will meet with the administrators, teachers, and other relevant staff at their school to discuss these data and the school's progress relevant to the Corrective Action Plan.

If the data required in this section reflect harsher or higher rates of discipline and/or law enforcement referrals or other contacts with law enforcement for students of a particular race or national origin, the meeting between the Director, School principal, and discipline team will explore possible root causes for the higher or harsher rates, determine any steps needed to ensure nondiscrimination in discipline, and align any next steps with the Corrective Action Plan.

If the data required by this section show a particular teacher or staff member refers students of a particular race or national origin at a higher rate than students of other races or national origins or administers harsher consequences to students of a particular race or national origin than to students of other races or national origins, the Director and the School principal will meet with that teacher or staff member to discuss the data, examine whether the referrals were warranted, and implement an effective solution, if needed. If the information indicates that the teacher or other

school staff member is failing to adhere to the District's student discipline policies, matrix, or procedures or is engaging in discrimination against students, the principal will take appropriate corrective action.

C. Reporting Requirements

Within **45 days** of the end of each semester or within the execution of this Agreement for the first report, the District will provide to OCR the data analysis and summary of findings required by Sections V.A-B above, including any amendments that it proposes to make to its Corrective Action Plan, a description of the District and school meetings held regarding the evaluation of the data, and any District and school-based actions taken to address the findings.

VII. Employee Training regarding Title VI

A. Within **30 days** of executing this Agreement, the District will propose to OCR at least three names of individuals with relevant experience to conduct training for all School teachers, administrators, and any other employees involved in disciplining students and/or responding to harassment of students based on race, color, or national origin (including shared ancestry). The District will provide the individuals' names, job titles, and qualifications to OCR for review and approval.

B. Within **30 days** of OCR's approval of the District's proposed trainer, the District will submit for OCR's review and approval a proposed training agenda and training materials that address the following:

1. the District's commitment not to discriminate based on race, color, or national origin (including shared ancestry) when disciplining students and when responding to harassment of students on these bases consistent with Title VI;
2. a detailed explanations of the District's discipline and Title VI harassment policy and procedures;
3. recognizing, reporting, and responding to harassment of students based on race, color, and national origin (including shared ancestry) and complaints of discriminatory discipline of students based on race, color, and national origin;
4. the interventions, supports, and other means of correction to be documented and exhausted prior to imposing exclusionary discipline (e.g., suspensions) and the specific manner in which progressive disciplinary consequences will be employed if applicable;
5. the records that must be created and maintained by staff who make disciplinary referrals or impose disciplinary sanctions and who respond to harassment of students based on race, color, and national origin (including shared ancestry);
6. the District's system for analyzing student discipline data required by Section V above;
7. how to administer discipline in a fair and nondiscriminatory way by eliminating any different treatment based on race, color, or national origin, including any explicit or implicit bias based on race, color, or national origin in discipline

decision-making, consideration of aggravating and mitigating factors, review of similar instances of student misconduct, and other best practices to ensure consistent, nondiscriminatory application of the District's discipline code; and

8. the value of recognizing and reinforcing positive student behavior, and the importance of addressing misbehavior in a manner that does not exclude students from the class or education program/activity unless necessary to ensure the continuing safety of students or staff, or other means of correction have been attempted and have failed to bring about proper conduct and it is the only means of stopping student misbehavior from substantially interfering with the delivery of instruction to others.

C. Within **90 days** of OCR's approval of the training materials, the District will provide the OCR-approved training to all individuals described in Section V.A. The District may provide the OCR-approved training more than once during each school year of this Agreement to ensure that all individuals described in this section are trained each year. After each training, the District will ask participants to complete a training survey to assess the effectiveness of the training. The District will revise its training as needed to respond to the survey feedback and submit revised materials for OCR's review and approval.

D. **Reporting Requirements**

Within **30** days after completing the training(s), the District will provide OCR with a report that includes: the date(s) of the training(s), the name(s) of the trainer(s), sign-in sheets with participant names and job titles, a list of all individuals required to attend the training and the names of any who have yet to complete the training, a copy of the final materials used in the training(s), and the completed post-training participant surveys.

VIII. Employee Training Regarding Sexual Harassment under Title IX

A. Within **90 days** of executing this Agreement, the District will provide training on its Title IX Policies and Grievance Procedures to School employees responsible for responding to and investigating reports and formal complaints of sexual harassment, including but not limited to the Title IX Coordinator(s), teachers, principals, assistant principals, guidance counselors, and any SROs. The training will address the definition of sexual harassment under the Title IX regulations, the obligation of District employees to refer reports and formal complaints of sexual harassment to the Title IX coordinator, and the District's Title IX obligation to offer supportive measures to students alleged to have been the victims of conduct that could constitute sexual harassment, as defined in the Title IX regulation, and to inform such students (if over the age of 18) or their parent/guardian (if the student is a minor) of the process for filing a formal complaint of sexual harassment under Title IX. The District's training will include a component to assist staff in understanding and implementing the District's Title IX obligations for responding to, resolving, and documenting reports and formal complaints of sexual harassment.

B. Reporting Requirements

1. Within **30 days** of executing this Agreement, the District will provide to OCR, for its review and approval, the name and qualification of its proposed trainer and a copy of all proposed training materials that it will deliver under Section VII.A above. Within **60 days** of OCR's approval of the training materials, the District will deliver that training to District staff.

2. Within **90 days** of the start of the 2024-2025 school year, the District will provide OCR with documentation that it provided the approved training referenced in Section VII.A to the requisite staff, including the dates of the training, its delivery method (e.g., in person, online, or hybrid), the names and job titles of the trainer(s), a copy of any materials used or distributed during the training, and the training survey results.

IX. Student and Parent Information Sessions

A. The District will provide informational sessions for students and parents at the School that will provide an explanation of the District's student discipline and Title VI and Title IX student harassment policies, what is expected of students under the policies, and the District's efforts to ensure a nondiscriminatory educational environment, including nondiscriminatory discipline, for all students in a manner accessible to individuals with disabilities and limited English proficiency. The District will offer the informational sessions at times and locations to promote maximum participation by students and parents and may also provide this information electronically/virtually to parents. The sessions will:

1. explain the District's Title VI and Title IX student harassment policies and grievance procedures, the District's discipline policy, matrix, and procedures, including the definitions of offense categories, possible consequences for students who violate the discipline policy, and how progressive discipline is imposed;
2. provide parents and students with the opportunity to raise concerns or suggestions about the District's policies, procedures, and matrix;
3. the definitions and examples of harassment based on race, color, and national origin (including shared ancestry) and sexual harassment under Title IX;
4. how to recognize and report sexual harassment and harassment based on race, color, national origin (including shared ancestry);
5. include participation by District employees involved in responding to harassment of students and the administration of discipline (e.g., administrators, teachers, counselors);
6. emphasize the District's commitment not to discriminate on the basis of race, color, national origin, or sex in student discipline or responses to harassment;
7. explain the role of the Sub-Committee and opportunities for parent participation on the Sub-Committee;

8. the rights of students to due process before discipline sanctions are imposed;
9. the range of non-exclusionary interventions, supports, and approaches to student discipline to be exhausted prior to exclusionary discipline where possible and consistent with federal and state law;
10. the resources that are available to students to assist them in developing social and emotional competencies;
11. information about whom to contact if there is a concern about discipline policy implementation or if assistance is needed in addressing student behavioral problems;
12. protections from retaliation under Title VI and Title IX; and
13. the District's commitment to recognizing and reinforcing positive student behavior and to ensuring to the maximum extent possible under state and federal law that student misbehavior is addressed in a manner that does not remove the student from the educational program.

B. Reporting Requirements

Within **60 days** of holding the parent information sessions, the District will provide OCR with the materials distributed at the parent information sessions, any recommendations, suggestions or reports provided by parents and students at the sessions, and any revisions to the plans developed by the District or other steps taken in response to the parent and student input at these sessions.

X. School Climate Surveys

A. Beginning in the 2024-2025 school year and following approval by OCR of the survey instrument and survey administration methodology, the District will annually administer a comprehensive climate survey to School students, employees, and parents to measure their perceptions of the District's administration of school discipline and responses to harassment of students based on race, color, national origin (shared ancestry), and sex. With regard to the administration of school discipline, the survey will measure perceptions of school safety, fairness and equity in the administration of discipline, and whether District and school rules and behavioral expectations are clear. With regard to student harassment, the survey will measure perceptions of school climate, safety, and District response to incidents of harassment based on race, color, national origin (shared ancestry), and sex.

B. **Reporting Requirements**

1. Within **30 days** of the start of the 2024-2025 school year, the District will provide for OCR's review and approval the proposed school climate surveys and the methods by which it proposes to administer the surveys to maximize the response rate.

2. By **January 15, 2025**, and by the same date in subsequent school years, the District will provide OCR for its review and approval a copy of the survey results

and a description of actions it proposes to take that school year based on the survey results, including any changes to the Corrective Action Plan.

3. By **June 1, 2024,** and by the same date in subsequent school years, the District will document to OCR the steps it has taken during the prior year in response to the previous school year's survey results.

XI. Individual Remedy

A. OCR notes that during the pendency of its investigation, the Student graduated. The District will ensure that all references related to the discipline of the Student [redacted content] are removed from the Student's discipline file and any other District or School records where the discipline is referenced and will communicate to the Complainant and the Student that it has done so.

B. **Reporting Requirements**

Within **30 days** of executing this Agreement, the District will provide OCR with documentation showing that (1) references to the Student's discipline have been removed from all District and School records regarding the Student and (2) the District has communicated this removal to the Complainant and the Student.

General Requirements

By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms and obligations of the Agreement. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with the obligations under Title VI and its implementing regulation, 34 C.F.R. Part 100, that were at issue in this case.

The District acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

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Superintendent, Chandler Unified School District Date